

IN THE COURT OF COMMON PLEAS DELAWARE COUNTY, OHIO

NOTICE OF FAILURE OF SERVICE

CASE NUMBER: 20 CV C 07 0302

TO: KENNETH J IGNOZZI
DYER GAROFALO MANN AND SCHULTZ
131 N LUDLOW STREET
STE 1400
DAYTON, OH 45402

You are hereby notified of the failure of service upon:

KOHL'S INC
C/O STATUTORY AGENT
NORMAN KOHL'S
110 WEST SYCAMORE STREET
COLUMBUS GROVE, OH 45830

By **CERTIFIED MAIL** pursuant to Rule 4 through Rule 4.6 of Ohio Rules of Civil Procedure.

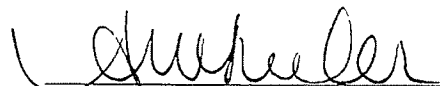
DOCUMENTS TO BE SERVED:

SUMMONS ON COMPLAINT

Date: July 28, 2020

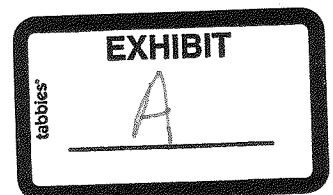
RETURN MARKED: NOT DELIVERABLE AS ADDRESSED

NATALIE FRAVEL
CLERK OF COURTS


Deputy Clerk

CLERK OF COURTS
DELAWARE COUNTY, OHIO
COMMON PLEAS COURT
FILED
2020 JUL 28 AM 10:34

COPY

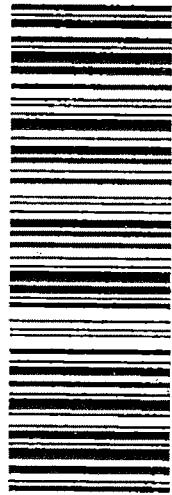




NATALIE FRAVEL
 Delaware County Clerk of Courts
 Legal Division
 117 N. Union St., Level 300
 P.O. Box 8006
 Delaware, Ohio 43015-8006

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
 OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®



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U.S. POSTAGE >> PITNEY BOWES
 ZIP 43015 \$ 006.90⁰
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KOHL'S INC
 C/O STATUTORY AGENT
 NORMAN KOHL'S
 110 WEST SYCAMORE STR
 COLUMBUS GROVE, OH 43015

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 RETURN TO SENDER
 NOT DELIVERABLE AS ADDRESSED
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2020 JUL 28 AM 9:54
 FILED
 DELAWARE COUNTY COURT
 CLERK OF COURTS

Handwritten signature

IN THE COURT OF COMMON PLEAS DELAWARE COUNTY, OHIO

SUMMONS

Case Number: 20 CV C 07 0302

Plaintiff(s):

JEFFREY P ALBERT
5001 BIG TIMBER LOOP
LEWIS CENTER, OH 43035

VS

Defendant(s):

KOHL'S INC
C/O STATUTORY AGENT
NORMAN KOHL'S
110 WEST SYCAMORE STREET
COLUMBUS GROVE, OH 45830

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned that a complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this court by the plaintiff(s) named herein.

You are required to serve upon the plaintiff(s) attorney, or upon the plaintiff(s) if he/she/they have/has no attorney of record, a copy of your answer to the complaint within twenty-eight (28) days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three (3) days after service on plaintiff(s) attorney.

The name and address of the plaintiff(s) attorney is as follows:

KENNETH J IGNOZZI
DYER GAROFALO MANN AND SCHULTZ
131 N LUDLOW STREET STE 1400
DAYTON, OH 45402

COPY

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the complaint.

Date: July 20, 2020

Certified Article Number

9414 7266 9904 2164 1384 33

SENDER'S RECORD

Natalie Fravel

Delaware County Clerk of Courts
117 North Union Street
Delaware, OH 43015

Deputy Clerk

OFFICE OF CLERK OF COURTS
Delaware County Common Pleas Court
Clerk of Courts

INSTRUCTIONS FOR SERVICE

Jeffrey P. Albert

Case No. _____

Plaintiff

vs.

Kohl's, Inc.

Defendant.

PLEASE ISSUE SERVICE TO:

Kohl's, Inc. c/o Statutory Agent Norman Kohls, 110 West Sycamore Street, Columbus Grove,
OH 45830

VIA:	PERSONAL	_____	REGULAR MAIL	_____
	RESIDENTIAL	_____	CERTIFIED MAIL	<u>XX</u>

DOCUMENTS TO BE SERVED: COMPLAINT and SUMMONS

Respectfully submitted,

DYER, GAROFALO, MANN & SCHULTZ

/s/ Kenneth J. Ignozzi
Kenneth J. Ignozzi, Esq. (0055431)
Attorney for Plaintiff
131 North Ludlow Street
Suite 1400
Dayton, Ohio 45402
Telephone: (937) 223-8888
Facsimile: (937) 824-8630
Email: kignozzi@dgmsslaw.com

**DELAWARE COUNTY COMMON PLEAS COURT/GENERAL DIVISION
CIVIL CASE INFORMATION FORM**

This form must be completed and filed with all civil suits.

PARTIES

Jeffrey P. Albert
Main Plaintiff

Case No. _____

Kenneth J. Ignozzi
Main Counsel for Plaintiff

Registration #0055431
Attorney Registration Number

v.

Kohl's, Inc.
Main Defendant

Jury Demand YES X NO _____
Prayer Amount in excess of \$25,000.00

UNKNOWN
If Known, Defense Counsel

Deposit Amount \$210.00

TYPE OF ACTION

☐ AA Administrative Appeal
☐ A Appropriation
☐ DJ Declaratory Judgment
☐ FE Forcible Entry
☐ HC Habeas Corpus
☐ I Injunction
☐ MM Medical Malpractice
☐ MF Mortgage Foreclosure

☐ OT Other Torts
☒ PI Personal Injury
☐ PL Product Liability
☐ PT Professional Tort
☐ WC Worker's Compensation
☐ AO All Others-State Type

* * * * *

Is this a refiling of a previous related case? Yes _____ No XX
If Yes, please complete the following:

Case Number _____ Assigned Judge _____
Parties _____

SUITS INVOLVING LIKE ISSUES AND SIMILAR PARTIES

Are there any other cases pending that arise from the same incident or related parties? Yes ___ No X
If Yes, please complete:

Case Number _____ Assigned Judge _____
Parties _____

/s/ Kenneth J. Ignozzi
Kenneth J. Ignozzi, Esq. (0055431)
Attorney for Plaintiff

**IN THE COMMON PLEAS COURT OF DELAWARE COUNTY, OHIO
CIVIL DIVISION**

Jeffrey P. Albert
3001 Big Timber Loop
Lewis Center, OH 43035

Plaintiff

vs.

Kohl's, Inc. c/o Statutory Agent
Norman Kohls
110 West Sycamore Street
Columbus Grove, OH 45830

Defendants.

CASE NO. _____

JUDGE: _____

**COMPLAINT FOR PERSONAL
INJURIES WITH JURY
DEMAND ENDORSED HEREIN**

FIRST CLAIM FOR RELIEF

1. At all relevant times, Defendant, Kohl's, Inc. (hereafter "Defendant Kohl's"), owned and maintained the real property located at 120 Meadow Park Avenue, Lewis Center, 43035, State of Ohio.

2. On or about August 21, 2019, Plaintiff, Jeffrey P. Albert (hereafter "Plaintiff"), a business invitee legally on the premise of Defendant Kohl's, was injured as a result of a negligently stored shopping baskets on the floor between the two sets of doors at the entrance, which was a direct and proximate result of a dangerous and hazardous condition of the property and the improvements thereon created by Defendant Kohl's known to exist.

3. Defendant Kohl's had a duty to operate its store in a reasonably safe manner, to inspect its property in a manner designed to discover dangerous and hazardous conditions, and to provide a warning to the public regarding the existence of dangerous and hazardous conditions of which it knew or should have known.

4. Defendant Kohl's was negligent in the operation, maintenance and care of its store in that it unreasonably and unnecessarily created and/or allowed to exist a dangerous and hazardous condition of which they knew or should have known.

5. Defendant Kohl's was negligent in the operation, maintenance and care of its store in that it failed to properly design, construct or erect caution signs or otherwise warn Plaintiff of hazardous conditions of which it knew or should have known to exist.

6. As the proximate result of the negligence of Defendant Kohl's, Plaintiff sustained injuries and damages as follows:

- a. Severe and permanent injuries, including a rotator cuff tear and bicipital tendon injury which resulted in surgery;
- b. Great pain and suffering, both physical and emotional, and loss of ability to perform usual functions that will cause further pain and suffering and loss of ability to perform usual functions in the future;
- c. Reasonable and necessary medical expenses in the amount of \$42,745.12, as well as further medical expenses to be incurred in the future;
- d. Miscellaneous out of pocket expenses in an amount yet to be determined.

7. The aforesaid negligence of Defendant Kohl's was the proximate result of the injuries and damages to Plaintiff.

WHEREFORE, Plaintiff, Jeffrey P. Albert, demands judgment against the Defendant, Kohl's, Inc., jointly and severally, in an amount in excess of \$25,000.00, plus interest, attorney fees and cost of this action.

Respectfully submitted,

DYER, GAROFALO, MANN & SCHULTZ

/s/ Kenneth J. Ignozzi
Kenneth J. Ignozzi, Esq. (0055431)
Attorney for Plaintiff
131 North Ludlow Street
Suite 1400
Dayton, Ohio 45402
Telephone: (937) 223-8888
Facsimile: (937) 824-8630
Email: kignozzi@dgmslaw.com

JURY DEMAND

Now comes Plaintiff, by and through counsel, and hereby demands a trial by jury on all issues of this matter.

Respectfully submitted,

DYER, GAROFALO, MANN & SCHULTZ

/s/ Kenneth J. Ignozzi
Kenneth J. Ignozzi, Esq. (0055431)
Attorney for Plaintiff
131 North Ludlow Street
Suite 1400
Dayton, Ohio 45402
Telephone: (937) 223-8888
Facsimile: (937) 824-8630
Email: kignozzi@dgmslaw.com